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SIPDIS

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LONDON AND PARIS FOR NEA WATCHER

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TAGS: [PHUM](#) [PGOV](#) [PREL](#) [KDEM](#) [KPAO](#) [TS](#)
SUBJECT: PROMULGATION OF LAW RESTRICTING ELIGIBILITY OF
PRESIDENTIAL CANDIDATES

REF: A. TUNIS 496
[1](#)B. TUNIS 337
[1](#)C. TUNIS 298

Classified By: Ambassador Robert F. Godec for reasons 1.4 (b) and (d)

Summary

[1](#)1. (C) President Ben Ali on July 28 approved a law changing the criteria for presidential candidates. Among those potential candidates who will now be excluded by the new eligibility requirements are Nejib Chebbi, the announced candidate of the opposition Progressive Democratic Party. Politicians whom the candidacy law prevents from running for president in 2009 expressed their disappointment, and opined that the law was designed to exclude specific candidates. In a rare show of opposition, however, five parliamentarians from two different opposition parties voted against the law. Ben Ali also approved legislation lowering the legal voting age from 20 to 18. End Summary.

No Elections For You...

[1](#)2. (C) Under Tunisia's constitution, presidential candidates must garner the signatures of 30 Members of the Chamber of Deputies or Mayors. With only 37 members of opposition parties combined in the Chamber of Deputies, and all mayors being appointed by the President, it would be virtually impossible for any opposition candidate to qualify. Thus, President Ben Ali has for the last several election cycles presented "exceptional" laws amending the constitutional requirements for a single electoral cycle several months before the presidential elections. This round is no exception: on March 21, President Ben Ali announced that for the 2009 elections, regardless of whether their political party is represented in parliament, only current elected political party secretaries general who had held that position for at least two years would be allowed to run for president (reftels). The proposal generated criticism from opposition parties, because it appeared designed to exclude would-be nominees from independent opposition, i.e., the former Secretary General of the Progressive Democratic Party (PDP) Nejib Chebbi, and Mustapha Ben Jaafar, the unelected leader of the Democratic Forum for Work and Freedom (FDTL).

[1](#)3. (C) Tunisia has nine registered political parties, seven of which are represented in parliament. Age limits in the constitution disqualify the Secretary General of the Social Democratic Movement (MDS). The opposition Social Liberal Party (PSL) has already endorsed President Ben Ali. This leaves only the Progressive Democratic Party (PDP), Popular Unity Party (PUP), Et-Tajdid (the formerly Communist

"Renewal" Movement), and the Unionist Democratic Union (UDU) able to present candidates. It is not clear the PDP will decide to put forward Maya Jribi, its current Secretary General, now that the candidacy of its former Secretary General Nejib Chebbi has been prohibited.

Dissention in the Ranks

¶4. (SBU) Shortly after a visit by Nejib Chebbi to Strasbourg, the President of the European Parliament wrote a letter to Fouad M'Bazaa, the President of the Chamber of Deputies, in which he referred to the draft law on presidential candidacy criteria. In the letter, he called for an open and transparent electoral process that respects electoral law and democratic pluralism. While the letter did not specifically discredit the new criteria, Nejib Chebbi told A/DCM that most Tunisian opposition figures welcomed what they considered the letter's "clear message." A copy of the letter was published on July 25 in the opposition al-Mowqif newspaper.

¶5. (C) Given that the ruling Democratic Constitutional Rally (RCD) controls 152 of the 189 seats in parliament, there was never any doubt the President's proposed law would pass. What is unusual is that five members of the loyal opposition voted against the law. All three of Et-Tajdid's representatives in parliament voted against the law, as did two renegade members of PUP's 11 representatives in parliament. These representatives voted against the law despite the fact that their parties' narrow interests were not jeopardized by the new criteria: both et-Tajdid and PUP

can present presidential candidates under the new legislation. The opposition vote is especially surprising because the PUP's Secretary General Mohamed Bouchiha is the President's brother-in-law, and the party is considered to be especially close to the RCD.

Comment

¶6. (C) The Ambassador had expressed concerns to Minister of State and Presidential Advisor Abdelaziz Ben Dhia that the new criteria are narrowly defined and exclude certain candidates (Ref A). Although we did not expect that the GOT would amend the draft law as a result of our intervention, we wanted to be sure that our concerns were heard at the highest levels.

¶7. (C) The fact that five opposition parliamentarians voted against the candidacy restrictions is telling. It is extremely rare for any member of parliament to vote against a government proposal, especially one of this magnitude. That they chose to do so is indicative of the significant level of frustration with the limits imposed on political participation. The protest, however, is unlikely to go beyond their symbolic resistance. The parties involved and the parliamentarians in particular will almost certainly face repercussions for their defiance. End Comment.
GODEC